

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FREDERICK BRENNAN,

Plaintiff,

v.

2:11cv146
Electronic Filing

Judge Cercone
Magistrate Judge Eddy

**COMMONWEALTH OF
PENNSYLVANIA,
OFFICER CLOUSE, OFFICER
PANCHICK,
ARNOLD POLICE STATION,
LAWRENCE KOENIG, ESQ.,**

Defendants.

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (Doc. No. 1) on February 4, 2011, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On January 5, 2012, the Magistrate Judge filed a Report and Recommendation (Doc. No. 46) recommending that the Motion to Dismiss filed by Westmoreland County and Lawrence Koenig be granted based on the lack of allegations as to Westmoreland County's involvement in any claimed violation of plaintiff's Sixth Amendment rights and the failure to state a claim for relief against Lawrence Koenig and/or his entitlement to qualified immunity. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until December 30, 2011, to file written objections to the Report and Recommendation. Plaintiff has failed to file any objections.

Accordingly, after *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 7th day of February, 2012,

IT IS ORDERED that [39] the Motion to Dismiss filed by Westmoreland County and Assistant District Attorney Lawrence Koenig be, and the same hereby is, **GRANTED**;

IT IS FURTHER ORDERED that the Claims against these defendants are **DISMISSED** with prejudice; and

IT IS FURTHER ORDERED that [46] the Report and Recommendation of January 5, 2012, is **ADOPTED** as the Opinion of the Court.

/s David Stewart Cercone
David Stewart Cercone
United States District Judge

cc: Frederick Brennan
2100 Park Hill Drive, Apt. G
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(Via First Class Mail)

Mary Lynch Friedline, Esquire
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